

1982 WL 189524 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 26, 1982

***1 ATTENTION: Mr. George Dorn**

Edgar A. Vaughn, Jr.
State Auditor
207 Wade Hampton Office Building
Post Office Box 11333
Columbia, South Carolina 29211

Dear Mr. Vaughn:

You have requested the opinion of this Office whether the South Carolina Public Railways Commission should be indicated as a separate section or part of the General Appropriations Bill now pending, in view of the fact that the Commission is self-supporting and has made no request for an appropriation for the current year. You further inquire whether the operating budget of the Commission should be published as part of the Appropriations Bill, although no appropriation of State, Federal or other funds is needed therefor.

It is the opinion of this Office that the Commission need not be included in the Appropriations Bill. [Section 58-19-180, Code of laws, 1976](#), specifically provides that the Commission shall hold title to, disburse and account for assets and revenues received by it from whatever source, pursuant to the requirements of Title 49, U. S. Code Section 10102(17); therefore, no annual authorization to receive and expend revenues is necessary in the annual Appropriations Bill. This procedure is required by the Federal laws governing common carrier railroads. In addition, the Commission is bound by all other provisions of the annual Appropriations Acts which apply to all other State agencies and institutions, whether or not an agency or institution is named in the Appropriations Act; except as such local laws may conflict with controlling Federal statutes and regulations governing common carrier railroads. For example, the Commission would be limited on such matters as travel and subsistence allowances which are provided in the Appropriations Act each year, and which are not provided in the Federal regulations. It is likewise subject to annual audit as required by State law.

As you are aware, the statutes establishing the Railways Commission and its powers and duties have been carefully drafted and amended to comply with the controlling Federal statutes, and the Commission works closely with this office, your office and the Budget and Control Board to assure that its operations are in compliance with Federal and State laws.

As to your second question, it is doubtful whether the financial statements of the Commission could properly be reported as a part of the Appropriations Bill, as that bill is not a vehicle for publication of reports. These financial statements of the Commission which are compiled in accordance with the regulations of the Interstate Commerce Commission are, of course, published in the annual reports of the Commission and are a public record.

We trust this supplies the information requested.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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